

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIN M. LAFFERTY, KING COUNTY,  
WELLS FARGO BANK, JP MORGAN  
CHASE BANK, SEATTLE SAVINGS  
BANK,

Defendants.

CASE NO. 2:21-cv-01522-RAJ-BAT

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR LEAVE TO FILE  
SECOND AMENDED COMPLAINT**

Pursuant to Fed. R. Civ. P. 15(a)(2), Plaintiff United States of America ("United States"), moves for leave to file a Second Amended Complaint to include a foreclosure claim against the Subject Property. Dkt. 21. No opposition to the motion has been filed.

Rule 15(a) permits a party to seek leave of the court to amend its pleading. Rule 15(a)(2) specifies that "the court should freely give leave when justice so requires." Rule 15 and the "freely give" standard express a "policy of favoring amendments," which should be applied liberally. *Ascon Properties, Inc. v. Mobil Oil Company*, 866 F.2d 1149, 1160 (9th Cir. 1989), citing *DCD Programs, Ltd. v. Leighton*, 833 F.2d 183, 186 (9th Cir. 1987). Leave to amend should be granted except when "the amendment would cause the opposing party undue prejudice, is sought in bad faith, constitutes an exercise in futility, or creates undue delay." *Ascon Properties*, 866 F.2d at 1160, citing *Foman v. Davis*, 371 U.S. 178, 182 (1962). Absent such a

ORDER GRANTING PLAINTIFF'S MOTION  
FOR LEAVE TO FILE SECOND AMENDED  
COMPLAINT - 1

1 reason, denying leave to amend may be an abuse of discretion. *Ascon Properties*, 866 F.2d at  
2 1160.

3 The Court finds that the proposed amendment is timely as it has been filed at the onset of  
4 the case and that there is no evidence of bad faith or delay seeking motive. Additionally, any  
5 discovery on the newly added foreclosure count will overlap with discovery on the existing  
6 declaratory relief claim. The proposed amendment is judicially efficient as it will allow the Court  
7 to resolve all competing claims to the Subject Property, effectuate a sale of the Subject Property,  
8 and apply the appropriate amount of proceeds towards the unpaid tax liabilities that are the  
9 subject of this suit.

10 Accordingly, it is **ORDERED** that United States' Motion for Leave to File a Second  
11 Amended Complaint (Dkt. 21) is **GRANTED**; the United States shall file the Second Amended  
12 Complaint attached as Exhibit 1 to its Motion within fourteen days of this Order.

13 Dated this 1st day of February, 2022.

14  
15 

16 BRIAN A. TSUCHIDA  
United States Magistrate Judge